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*St. Anne's Ryde Further Mortgaging and Amending  
Ordinance, 1969*

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No. 21, 1969

AN ORDINANCE to authorise the further mortgaging or charging of certain land situate in Church Street Ryde to provide for the application of the proceeds thereof and to vary the terms of repayment.

WHEREAS the land more particularly described in the First Schedule hereto (hereinafter referred to as "the said land") is (inter-alia) vested in the Church of England Property Trust (hereinafter referred to as "the Corporate Trustee") AND WHEREAS the said land is church trust property held for the sole benefit of the Parish of St. Anne Ryde upon and subject to the trusts more particularly set forth in St. Anne's (Ryde) Glebe Leased Lands Sale (Further Amendment) and Variation of Trusts and Mortgaging Ordinance, 1968 (No. 27, 1968) (hereinafter referred to as "the said Ordinance") AND WHEREAS by the said Ordinance approval was given to the Corporate Trustee to mortgage the said land for the purpose of borrowing the sum of Five hundred and ten thousand dollars (\$510,000) upon the terms and conditions therein referred to such sum to be applied towards the cost of erection of certain residential flat buildings on the said land AND WHEREAS by virtue of an application made to the Registrar-General for the State of New South Wales the said land has now been brought under the provisions of the Real Property Act, 1900, and in consequence thereof Certificate of Title Volume 11034 Folio 219 (more particularly described in the Second Schedule hereto) has issued in respect of the said land showing the Corporate Trustee as the registered proprietor in fee simple of the land comprised in the said Certificate of Title AND WHEREAS the said Certificate of Title was issued by the Registrar-General prior to the Corporate Trustee giving the mortgage authorised by the said Ordinance and such mortgage was given by the Corporate Trustee under the provisions of and in the form required by the Real Property Act, 1900, over the land comprised in the Second Schedule AND WHEREAS in order to meet certain additional costs in the erection of the said residential flat buildings it is necessary to borrow a further sum of Forty thousand dollars (\$40,000) by way of further mortgage or charge against the land comprised in the Second Schedule NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY DECLARES ORDAINS AND DIRECTS as follows:—

1. By reason of circumstances which have arisen subsequent to the creation of the trusts of the said land it is expedient to further

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mortgage or charge the land described in the Second Schedule being the same land referred to in the First Schedule to the said Ordinance.

2. By reason of the circumstances which have arisen subsequent to the creation of the trusts upon which the land described in the Second Schedule hereto is held it is expedient that such land be mortgaged or charged.

3. (i) The Corporate Trustee is hereby empowered to mortgage or charge from time to time the whole or any part of the land described in the Second Schedule hereto for the purpose of borrowing the sums following:—

(a) When the power is first exercised a sum not exceeding Forty thousand dollars (\$40,000).

(b) When the power is subsequently exercised such sum not exceeding Forty thousand dollars (\$40,000) as the Standing Committee may by resolution determine.

PROVIDED that such debt shall be reduced by payments of principal and interest as hereinafter set forth when the power is first exercised and thereafter at such rate as Standing Committee shall by resolution determine and

PROVIDED FURTHER that no person or corporation advancing moneys under the provisions of this Ordinance shall be concerned to enquire whether such reductions shall have been made.

(ii) Any renewal of a mortgage or charge shall be deemed to be a subsequent exercise of the said power.

(iii) Any document purporting to be certified by the Archbishop or Diocesan Secretary of the said Diocese as a copy of any such resolution shall in favour of a mortgagee or any person or corporation claiming under the mortgage or charge be conclusive evidence that such resolution was duly passed.

4. The proceeds of any mortgage or charge hereby authorised shall after paying the costs of and incidental to this Ordinance and such mortgage or charge be applied by the Corporate Trustee as follows:—

(i) When the power is first exercised towards the cost of erection of the residential flat building on the land described in the Second Schedule hereto.

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- (ii) When the power is subsequently exercised (other than by a renewal of the original mortgage or charge) in payment of the principal interest and costs of discharge of any existing mortgage or charge and the costs and expenses of such further mortgage or charge.
- (iii) Any mortgagee advancing moneys pursuant to the provisions of sub-clause (i) of this clause shall pay the same direct to the Churchwardens for the time being of the Parish of St. Anne Ryde.

5. Paragraph (a) of sub-clause (i) of clause 8 of the said Ordinance is hereby deleted and the following paragraph inserted in its place:—

“(a) By payment of interest on the mortgage on the land described in the Second Schedule to this Ordinance and the further mortgage or charge authorised by the St. Anne's Ryde Further Mortgaging and Amending Ordinance 1969 at a rate not exceeding Seven dollars seventy-five cents (\$7.75) per centum per annum for the first five years of such advance and thereafter principal and interest to be repaid by forty half-yearly instalments of Twenty-seven thousand two hundred and seventy-three dollars sixteen cents (\$27,273.16)”.

6. The Churchwardens for the time being of the Parish of St. Anne Ryde shall within seven (7) days of the date of holding the Annual Vestry Meeting during such time as any money is owing to any mortgagee pursuant to this Ordinance cause an account to be forwarded to the Diocesan Secretary giving details of the original amount borrowed the amounts paid off and the balance owing.

7. This Ordinance may be cited as “St. Anne's Ryde Further Mortgaging and Amending Ordinance, 1969”.

#### FIRST SCHEDULE

All that piece of land containing 1 acre 1 rood 26½ perches being part of St. Anne's Rectory Glebe being more recently shown as Lot 1 on plan signed by Mr. Surveyor W. R. Hardy and dated 14/11/61 situated in the Municipality of Ryde Parish of Hunters Hill County of Cumberland and State of New South Wales COMMENCING at a point on the North Western alignment of Church Street as widened bearing 304 degrees 02 minutes 10 seconds and

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distant 13' 0 $\frac{1}{2}$ " from the Easternmost corner of Lot 1 as shown upon plan annexed to Transfer No. G178736 and bounded thence on the South West by part of the North Eastern boundary of Lot 1 as shown upon plan annexed to Transfer No. G178736 the North Eastern boundary of Lot 4 shown upon plan annexed to Transfer No. G178136 and part of the North Eastern boundary of land shown in Transfer No. C384443 being in all a line bearing 304 degrees 02 minutes 10 seconds for 276' 10" to the South Eastern alignment of Devlin Street thence on the North West by part of the South Eastern alignment of Devlin Street being a line bearing 27 degrees 55 minutes 50 seconds for 247' 9 $\frac{1}{2}$ " thence on the North East by a line being 122 degrees 01 minutes 30 seconds for 149' 6" thence on the South East by a line bearing 211 degrees 22 minutes 40 seconds for 50' 0" thence again on the North West by a line bearing 122 degrees 04 minutes for 129' 0" to the North Western alignment of Church Street as widened thence on the South East by part of the North Western alignment of Church Street as widened being a line bearing 211 degrees 22 minutes 40 seconds for 206' 4 $\frac{1}{2}$ " to the point of commencement.

**SECOND SCHEDULE**

All that piece of land situated in the Municipality of Ryde Parish of Hunters Hill County of Cumberland having a frontage of 206' 4 $\frac{1}{2}$ " to Church Street by a depth of 263' 9 $\frac{1}{2}$ " to one side with a rear dimension of 247' 9 $\frac{1}{2}$ " and irregular dimensions on the other side being Lot 1 Portion 13 in Deposited Plan No. 225913 and whole of the land comprised in Certificate of Title Volume 11034 Folio 219.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.

ATHOL RICHARDSON,  
Chairman of Committees.

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the 30th day of June, 1969.

W. L. J. HUTCHISON,  
Secretary.

I ASSENT to this Ordinance.

MARCUS LOANE,  
Archbishop of Sydney.

30/6/1969.